

VERTE.032CPCCC1D

Serial No. 10/726,774

Response to Office Action of September 14, 2005

PATENT

REMARKS

Claims 1-11 are in the case.

The courtesies extended by Examiner El-Arini on September 22, 2005 with attorney for Applicant, Brian L. Belles, are noted with appreciation. During the interview, Mr. Belles requested clarification with respect to the Examiner's position set forth in the "Response to Arguments" section of the Office Action. Specifically, Mr. Belles stated that the rejection of the claims over JP '260 it appeared to be maintained because the Examiner was not properly considering the limitation of "while maintaining said orientation," as is required by claims 1 and 5. Examiner El-Arini clarified that it was not clear as to what orientation was being maintained. It was agreed that if claims 1 and 5 were amended to clarify that it is the "the substantially horizontal" orientation that is maintained," claims 1 and 5 would be allowable over JP '260. Accordingly, Applicant has amended claims 1 and 5 to recite "while maintaining said substantially horizontal orientation."

No new matter is added.

Double Patenting Rejections

In paragraphs 1-2 of the Office Action, claims 1-8 and 10-11 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 34-35, and 37 of copending application No. 10/760,596.

As suggested by the Examiner, Applicant's attorney enclosed herewith a suitable terminal disclaimer, along with the required fee, which is believed to overcome the obviousness-type double patenting rejection.

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It is believed that all grounds of rejection and objection have been traversed or obviated, and that the rejections and objection should be withdrawn, and the application allowed.

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